

## Message Text

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ACTION EA-10

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TO SECSTATE WASHDC 0341

INFO AMEMBASSY BANGKOK

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AMEMBASSY KUALA LUMPUR

AMEMBASSY SINGAPORE

CINCPAC

C O N F I D E N T I A L MANILA 1498

CINCPAC FOR POLAD

E.O. 11652: GDS

TAGS: PINT, RP

SUBJECT: SUPREME COURT DISMISSES PETITION TO CANCEL REFERENDUM  
AND MARCOS BEGINS CAMPAIGN IN EARNEST

REF: MANILA 1422

BEGIN SUMMARY: SUPREME COURT BY UNANIMOUS VOTE DISMISSED PETITION TO CANCEL FEBRUARY 27TH REFERENDUM. DECISION EXPECTED AND DESPITE CAREFUL LEGAL LANGUAGE IS FUNDAMENTALLY POLITICAL. PRESIDENT MARCOS BEGAN REFERENDUM CAMPAIGN IN EARNEST FEB. 2 WITH SPEECH AT LARGE RALLY IN MANILA. HE A) APPEALED FOR POPULAR SUPPORT FOR HIS MARTIAL LAW GOVERNMENT, B) EXTENDED PERIOD FOR FREE DISCUSSION OF REFERENDUM ISSUES, AND C) PROVIDED DETAILS ON VARIOUS MEASURES AIMED AT STRENGTHENING LOCAL GOVERNMENT. END SUMMARY

1. AS ANTICIPATED REFTTEL, SUPREME COURT, BY UNANIMOUS VOTE DISMISSED PETITION ASKING FOR CANCELLATION OF FEBRUARY 27  
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REFERENDUM. DECISION, WHICH PROMULGATED LATE JANUARY 31,

WAS HEADLINED IN PRESS FEBRUARY 2. BASING ITS OPINION ON TRANSITORY PROVISIONS OF 1973 CONSTITUTION, SUPREME COURT DECLARED MARCOS WAS PRESIDENT OF THE PHILIPPINES DE JURE AND AFFIRMED THE BROAD POWERS VESTED IN HIM BY CONSTITUTION INCLUDING POWER TO LEGISLATE AND ISSUE DECREES AND PROCLAMATIONS UNTIL CONVENING OF INTERIM NATIONAL ASSEMBLY (INA). COURT RULED DATE FOR CONVENING OF INA WAS POLITICAL QUESTION AND NOT WITHIN ITS COMPETENCE. ON THIS POINT, HOWEVER, ASSOCIATE JUSTICE PALMA DISSENTED, MAINTAINING CONSTITUTION'S FAILURE TO SPECIFY TIME FOR THE PRESIDENT TO CONVENE THE INA DID NOT PERMIT HIM TO POSTPONE INA AS LONG AS HE WISHED.

2. JUSTICE SECRETARY ABAD SANTOS TOLD AMBASSADOR AT DINNER FEBRUARY 2 THAT PETITIONERS' COUNSEL SENATOR TANADA SHOULD BE "GIVEN A MEDAL". ABAD SANTOS SEEMED TO SUGGEST THAT TANADA'S ARGUMENTATION PROVIDED COURT WITH OPPORTUNITY TO CLARIFY AND FINALLY DECIDE A VARIETY OF CONTROVERTED ISSUES CONNECTED WITH MARCOS' EXERCISE OF MARTIAL LAW POWERS.

3. IN CAMPAIGN-STYLE APPEARANCE BEFORE ESTIMATED 50,000 MAN RALLY IN MANILA, SUNDAY, FEBRUARY 2, PRESIDENT MARCOS HAILED COURT'S DECISION. HE ANNOUNCED EXTENDED PERIOD OF FREE DEBATE AND ASSEMBLY IN CONNECTION WITH REFERENDUM. IN PRESENCE OF CROWD MARCOS SIGNED DECREE (A FAVORITE GIMMICK) ALLOWING FREE DISCUSSION TO BEGIN AT ONCE RATHER THAN ON FEBRUARY 7. HE ALSO ANNOUNCED FREEDOM TO PUBLISH AND DISTRIBUTE INFORMATION MATERIALS RELATED TO REFERENDUM ISSUES AS LONG AS NAME AND ADDRESS OF AUTHOR AND PRINTER INDICATED. PRESIDENT ALSO ANNOUNCED HE WAS REFERRING TO COMMISSION ON ELECTIONS' (COMELEC) SUGGESTION MADE BY CHURCH AUTHORITIES THAT INDEPENDENT THREE-MAN COMMITTEE BE FORMED TO OBSERVE CONDUCT OF REFERENDUM AND ENSURE IT CONDUCTED FAIRLY (SEPTEL).

4. DURING HIS HIGHLY EMOTIONAL SPEECH, PRESIDENT APPEALED FOR POPULAR SUPPORT TO ENABLE HIM TO DEAL WITH ECONOMIC CRISIS AND CONTINUING PROBLEM OF MUSLIM DISSIDENCE. ANTICIPATING REFERENDUM RESULTS SOMEWHAT, MARCOS ANNOUNCED THAT CITY MANAGER/MAYOR/COUNCIL ARRANGEMENT WILL BE TRIED IN FOUR METRO-MANILA CITIES (MANILA  
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( 173"9,, CALOOCAN AND PASAY)

UNTIL TERM OF LOCAL OFFICIALS EXPIRES DECEMBER 31. AFTER THIS PERIOD, AN ASSESSMENT WILL BE MADE TO DETERMINE WHAT TYPE OF ADMINISTRATION IS BEST FOR THE FOUR CITIES. ANOTHER PLEBISCITE WILL BE HELD FOR PURPOSE OF ASCERTAINING IF PEOPLE WANT CHANGE. FYI: DURING CONVERSATIONS WITH EMBOFFS JANUARY 31, SOLICITOR GENERAL MENDOZA INDICATED THAT THERE ARE CONSIDERABLE LEGAL PROBLEMS INVOLVED IN MARCOS' PLAN

TO UNIFY METRO-MANILA GOVERNMENTS UNDER ONE MANAGER AND COMMISSION. NOT LEAST OF PROBLEMS IS THAT 1973 CONSTITUTION REQUIRES PLEBISCITE TO APPROVE ANY CHANGE IN MAKE-UP OF LOCAL GOVERNMENT. QUESTION IN FEBRUARY 27 REFERENDUM AS PRESENTLY FRAMED ASKS MERELY WHETHER PEOPLE FAVOR REVAMPING LOCAL GOVERNMENT SETUP. EVEN IF THEY SAY YES, ACTUAL CHANGES CONCEIVABLY MIGHT REQUIRE ANOTHER PLEBISCITE. END FYI.

5. COMMENT: BUOYED BY SUPREME COURT'S LATEST DECISION, PRESIDENT HAS BEGUN REFERENDUM CAMPAIGN IN EARNEST. IN VIEW COURT'S RECORD OF OBEDIENT SUPPORT OF MARCOS, HOWEVER, ITS LATEST DECISION HARDLY MAKES MUCH DIFFERENCE. THOUGH ITS 12-PAGE UNANIMOUS DECISION IS COUCHED IN CAREFUL LEGAL LANGUAGE, IT IS ESSENTIALLY AN EXPEDIENT POLITICAL DECISION AND RECOGNIZED AS SUCH BY MARCOS' FRIENDS AND FOES.  
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